

## **NOVEMBER 17, 2014**

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman Ali Vaezi at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Vaezi, Barton, Watters (arrived at 8:05 PM), Spender, Farino, Drazek, Hight, Sams, Keggan, Hazen, Petteruti.

Absent: Mayor Tomaszewski, Creedon.

Also present: William Edleston, Esquire; Drew DiSessa, P.E.

The Pledge of Allegiance was recited.

**MOTION** was made by **HIGHT** to approve the minutes of the September 15, 2014 meeting, as written.

**SECONDED: DRAZEK.**

Those in favor: Barton, Spender, Farino, Drazek, Hight, Sams, Keggan, Petteruti.

Opposed: None.

Abstained: Hazen, Vaezi.

### **Case #14-07, Yusen Logistics (Americas) Inc.**

Edleston announced the applicant requested to carry the application to the December 15, 2014 meeting.

**MOTION** was made by **VAEZI** to carry Case #14-07, Yusen Logistics (Americas) Inc. to the December 15, 2015 meeting.

**SECONDED: HIGHT.**

Those in favor: Spender, Farino, Drazek, Hight, Sams, Keggan, Hazen, Petteruti, Barton, Vaezi.

Opposed: None.

Abstained: None.

### **Case #14-08, Karl & Rose Strohmaier**

Present for the applicant: Karl & Rose Strohmaier

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K. Strohmaier was sworn in by Edleston. Strohmaier explained they received approval for an ECHO housing unit on their property for his Mother-in-Law. Since that time, the Mother-in-Law has moved out, and they would like an extension of the approval until such time as it is no longer needed.

DiSessa explained the unit was to be removed within 90 days of it no longer being necessary.

Hight asked why the Mother-in-Law was no longer residing in the unit. Strohmaier explained the Mother-in-Law and his wife had a disagreement, and she moved out of the unit. Strohmaier related the situation with his Mother-in-Law, and indicated she might end up back in the unit at some point.

Edleston explained if the board grants an extension there should be a date certain for either occupancy by the Mother-in-Law, or for the unit to be removed.

Hight suggested a time extension for one year, and if not occupied by the Mother-in-Law by that time, it should be removed.

Vaezi asked if Strohmaier was aware of the conditions of the original approval, and that the unit should be removed if no longer occupied by the Mother-in-Law. Strohmaier replied he was aware of the condition, but thought it could remain since she hadn't passed away.

Barton stated he is sensitive to the situation, since his own Mother goes back and forth between his Sister's home and his own home. Barton's opinion was that no time limit should be placed on the removal of the unit until after the passing of the Mother-in-Law.

Spender asked if the Mother-in-Law was capable of making decisions, and if so, why wasn't she present at the meeting. Strohmaier explained she is capable of making decisions, but wasn't sure she would come to a meeting.

R. Strohmaier was sworn in by Edleston. R. Strohmaier explained her Mother is emotionally unstable, and she couldn't predict if she would return to use the unit. However, her Mother spent \$95,000 on the unit, and she would like to see it remain until it was certain her Mother wouldn't use it. Strohmaier explained further her Mother moved out, married, and that husband passed away leaving her some money. Strohmaier indicated the Mother is spending the money, and might end up back in the unit.

Vaezi indicated one of the reasons for approval of an ECHO unit is financial hardship, but it appears she now has money. Vaezi offered they could return in one year, but would have to prove hardship again.

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Sams suggested giving her 90 days, and if she doesn't want to occupy the unit it should be removed.

The hearing was opened to the public for questions or comments. There being no comments or questions from the general public, the public portion of the hearing was closed.

DiSessa stated the unit cannot be used for occupancy by another individual.

Edleston suggested extend the approval for six months to permanently re-occupy the unit. Edleston stated she should also show she still qualifies financially for the ECHO unit.

Sams asked if they could remove the utilities and use the building for storage.

R. Strohmaier promised the unit would not be occupied by anyone other than her Mother-in-Law.

Farino stated maybe the unit can be winterized and the power cut, but at least they would have peace of mind should she return.

**MOTION** was made by **FARINO** to extend the approval for Case #14-08, Karl & Rose Strohmaier until such time as the Mother-in-Law passes away, but it must be decommissioned and winterized unless she occupies the unit within 90 days and shows she still financially qualifies; also, a letter must be submitted to the Board confirming occupation/decommission with permits, etc.

**SECONDED: BARTON.**

Those in favor: Farino, Drazek, Hight, Sams, Keggan, Hazen, Barton, Spender, Vaezi.

Opposed: None.

Abstained: None.

DiSessa indicated there is an outstanding escrow balance for the driveway permit. K. Strohmaier replied there shouldn't have been escrow paid since the home is on a county road, and the permit was through them.

**Case #05-05, The Meadows at Mansfield, LLC (Whispering Woods hearing)**

Present for the applicant: Peter Wolfson, Esquire; Ray Rice; William Hotz; David Plante, P.E.

Edleston explained this was an advertised Whispering Woods hearing subsequent to a settlement agreement between the applicant and the Township.

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Wolfson explained the history behind the application. Wolfson stated they were seeking preliminary approval for the entirety of the site, and final for the first phase only. Wolfson stated the applicant would also show the board a concept plan for a slight re-arrangement of the lots to include the 40 additional lots, but they would come back to the board with a formal application at a later date.

Plante was sworn in by Edleston, and he was accepted as being qualified in the area of civil engineering.

Entered as Exhibit A-1 – existing features plan – Sheet 2 of 56 with latest revision date of 8/7/08

DiSessa indicated the plan before the board was dated 2003. Plante replied the only change was the phasing plan.

Entered as Exhibit A-2 – colorized version of the approved site plan dated 8/15/2011

Plante related the existing site conditions, and described the approved subdivision details.

Hazen expressed concern over the one way access to the cul-de-sac area of the subdivision. Wolfson stated the plan meets the RSIS standards.

Sams asked what would determine the construction of Phase II & III, and Rice replied it would be determined by the sales of the homes in Phase I. Rice indicated the sewer plant and site improvements would all be installed during Phase I of the project. Rice stated Phase II would be started at the sale of home 56 or 57 in Phase I.

The hearing was opened for public comments and questions.

Alice Mayberry of Port Murray Road asked if the project will add further to the adjacent stream, because the stream already floods. Plante replied the runoff will recharge into the soil, but some runoff would infiltrate to the streets, basins, swales, etc. Plante stated the runoff should improve with the construction.

Brian McKeivitt of 29 Blau Road asked if the project would be age restricted. Plante replied the project of 55 years and older.

Jim Zack of Route 57 stated there should be a traffic light installed at the boulevard entrance to the project.

Ester Hernandez of 222 Mitchell Road asked if there was a possibility the project will not be age restricted, and Wolfson replied there was no possibility of that.

The hearing was closed to the public.

**MOTION** was made by **VAEZI** to grant preliminary and final major subdivision approval for Phase I only for Case #05-05, The Meadows at Mansfield, LLC (Whispering Woods hearing), said approval to run for the period of seven years, and subject to the conditions approved in the original approval and settlement agreements.

**SECONDED: BARTON.**

Those in favor: Drazek, Hight, Sams, Keggan, Hazen, Barton, Watters, Spender, Farino, Vaezi.

Opposed: None.

Abstained: None.

**MOTION** was made by **WATTERS** to grant preliminary major subdivision approval only for Phase II and III for Case #05-05, The Meadows at Mansfield, LLC (Whispering Woods hearing), said approval to run for the period of seven years, and subject to the conditions approved in the original approval and settlement agreements.

**SECONDED: HIGHT.**

Those in favor: Hight, Sams, Keggan, Hazen, Barton, Watters, Spender, Farino, Drazek, Vaezi.

Opposed: None.

Abstained: None.

Wolfson presented the concept plan incorporating the additional lots pursuant to the settlement agreement.

Entered as Exhibit A-3 – conceptual plan showing 270 units and dated 9/29/14

Plante described the plan, and indicated the additional lots would be incorporated within the same footprint as approved. Plante stated there would actually be 266 lots once the project was fully engineered.

Rice stated the lot sizes in Phase I would remain the same size, but the lots in Phases II & III would be slightly smaller.

Questions were asked regarding the size of the lots, and the spacing of the lots.

Edleston stated the project would require amended preliminary and final approvals for Phase II and III should the lots be included. Wolfson replied that was correct.

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Hotz stated they originally proposed 269 lots, but brought the number down to the approved 226 lots.

Vaezi asked when the project was to commence. Rice stated the project will hopefully commence in late spring, but is driven by the installation of the sewer plant and infrastructure.

The Chairman called for a brief recess at 9:15 PM.

Upon reconvening at 9:25 PM, the next case was called.

**Case #11-07, Garden Solar, LLC Informal**

Present for the applicant: Christopher Nusser, P.E.

Nusser indicated the original plan was approved in 2011, but the solar market has since changed. Nusser explained the project has been purchased by Constellation Energy, and there has been a significant reduction in the size of the project. Nusser explained the project would encompass 39 acres instead of 64 acres, and would allow for smaller inverters. The project would be more efficient. The proposed landscaping would be adjusted, but the switching station would remain in the same location.

DiSessa went over his review letter dated 11/17/14, and indicated proposed layout is an improvement. DiSessa stated the proposed plan replaces what was originally approved.

Edleston asked when the project was to commence. Nusser replied they hope to begin construction as soon as possible once all the permits are in place. Nusser stated the fencing, landscaping, and access roads would all be constructed first.

Keggan asked who would maintain the landscaping. Nusser stated that would be the responsibility of the property owner. DiSessa stated there would be a Developer's Agreement and bonds for the project.

Carol Thompson of Route 57 stated there have been energy changes made to the State Master Plan. Thompson urged the board to check and make sure they comply with the new changes. Thompson asked why the substation size wasn't reduced since the solar field size is reduced. DiSessa explained the substation would remain the same size since the power output would remain essentially the same. Nusser agreed the switching station remains the same, because the threshold for power was not enough to reduce the size.

Carol Gordon of Cheerio Lane expressed concern over the proposed landscaping, and the landscaping maintenance. DiSessa stated there would be staggered rows of smaller and taller trees and shrubs.

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Vaezi asked about the state requirements mentioned by Thompson. Edleston stated the approvals were always subject to outside agency approval, and in this case, state energy laws. Nusser explained how the State Energy Act applies, and they could supply a copy of their approval.

**MOTION** was made by **SPENDER** to endorse the changes for the downsized facility for Case #11-07, Garden Solar, LLC, subject to all the conditions of the original approval, and a copy of the State Energy Act approval being supplied by the applicant.

**SECONDED: HAZEN.**

Those in favor: Sams, Keggan, Hazen, Barton, Spender, Farino, Drazek, Vaezi.

Opposed: None.

Abstained: Watters, Hight.

Under old business, Edleston mentioned there was construction equipment at the Yusen site, and it should be looked at for enforcement. DiSessa stated he would investigate the matter.

Vaezi mentioned the Green Team Ordinance that was distributed. DiSessa explained approving those types of things helps retain the Township's green certification. Watters explained further about the point process with the State that allows funds to be distributed to the Township for environmentally beneficial projects.

Drazek mentioned her term expires at the end of the year, and asked what she should do if she remained interested in being on the board. Watters stated the members whose terms expire at the end of the year should file the Citizen Involvement Application form with the Township Clerk.

**MOTION** was made by **FARINO** to authorize the Township Committee to pay the invoices submitted by the professionals.

**SECONDED: HAZEN.**

Those in favor: Keggan, Hazen, Barton, Watters, Spender, Farino, Drazek, Hight, Sams, Vaezi.

Opposed: None.

Abstained: None.

Under new business, Brian McKeivitt of 29 Blau Road sent a complaint to the zoning office regarding activity at 445 Watters Road. McKeivitt stated it appears the property owner is utilizing farmland for the operation of an excavation business. McKeivitt stated a pole barn was allowed to be constructed, and he wanted to know if the building height exceeded what was allowed.

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DiSessa related the history behind the approval of the construction of the pole barn. DiSessa explained further that letters were issued to the property owner regarding the use of the property, and he would follow up further.

McKevitt stated he would like the board to clarify and investigate the matter further.

The Chairman adjourned the meeting at 10:40 PM.

Respectfully submitted,

Patricia D. Zotti, Secretary  
(As Amended)